



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

Nicholas Sanders  
150 Port Street, Suite 405  
San Francisco, CA 94180

**APR 09 2019**

RE: MUR 7414

Dear Mr. Sanders:

On June 26, 2018, the Federal Election Commission ("Commission") notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On April 5, 2019, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Samuel DeFabbia-Kane violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1518.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

BY: Jeff S. Jordan  
Assistant General Counsel

Enclosure:  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR: 7414**

**Respondents:** Marge Doyle for Congress  
and Gary Crummitt, as Treasurer  
("the Committee"),<sup>1</sup>  
Samuel DeFabbia-Kane

**Complaint Receipt Date:** June 20, 2018

**Response Date:** July 25, 2018<sup>2</sup>

**EPS Rating:**

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. §§ 30104(b)(3)(A), 30121(a)  
11 C.F.R. §§ 104.3(a)(4), 110.20(a)(3), (b)**

The Complaint alleges that the Committee failed to itemize bundled contributions received from Act Blue<sup>3</sup> and accepted a contribution from a foreign national, DeFabbia-Kane, residing in Hong Kong.<sup>4</sup> DeFabbia-Kane asserts that he is a United States Citizen residing in Hong Kong, and provided a copy of his United States passport.<sup>5</sup> Although the Committee did not respond to the Complaint, its response to a Reports Analysis Division's Request for Additional Information states that the difference between the Act Blue and earmarked total is due to unitemized earmarks.<sup>6</sup>

<sup>1</sup> Doyle was a 2018 candidate for the U.S. House of Representatives in California's Eighth District. Marge Doyle for Congress is her principal campaign committee.

<sup>2</sup> No response was received from the Committee.

<sup>3</sup> The Committee allegedly failed to itemize \$140,807.09 in bundled contributions from Act Blue. Compl. at 5 (June 20, 2018).

<sup>4</sup> Compl. at 4-5. The Complaint also alleges that the Committee bought votes at the California Democratic State Convention, which allegedly violated 42 U.S.C. § 1973i(C) and Title 18 of the U.S. Code, and committed violations of the Voting Rights Act. These allegations could give rise to violations under the Federal Election Campaign Act, as amended, and Commission regulations; however, the discussion in the complaint and the associated allegations fall outside the Commission's jurisdiction and, therefore, this Office has not addressed them. *Id.* at 1-3.

<sup>5</sup> Resp. at 1 and attachment (July 25, 2018).

<sup>6</sup> The Reports Analysis Division has indicated that the response to its Request for Additional Information, concerning the Committee's unitemized earmarks, is adequate and does not trigger a referral to either the Office Alternative Dispute Resolution or the Office of General Counsel.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the explanations and documentation provided by the Respondents, and the apparent lack of a violation, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.<sup>7</sup> We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

March 26, 2019  
Date

BY: Charles Kitcher  
Charles Kitcher  
Acting Associate General Counsel

Jeff S. Jordan  
Jeff S. Jordan  
Assistant General Counsel

Kristina M. Portner  
Kristina M. Portner  
Attorney

<sup>7</sup> Heckler v. Chaney, 470 U.S. 821, 831-32 (1985).